

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

CORNELIUS HILL	:	
and	:	
TRUDIE HASTINGS HILL H/W	:	
Plaintiffs	:	
v.	:	
Schiffahrtsgesellschaft MS Priwall	:	No. 02-CV-2713
mbH & Co. KG	:	
and	:	
Reederei F. Laeisz G.m.b.h.,	:	
Rostock	:	
Defendants	:	

ORDER

AND THIS day of 2004, upon
consideration of Plaintiffs' Motion for a New Trial and any
opposition thereto, it is hereby **ORDERED** that the jury's verdict
and the judgment entered thereon are hereby set aside and a new
trial is **GRANTED**.

Michael M. Baylson J.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

CORNELIUS HILL	:
and	:
TRUDIE HASTINGS HILL H/W	:
Plaintiffs	:
v.	:
Schiffahrtsgesellschaft MS Priwall	:
mbH & Co. KG	:
and	:
Reederei F. Laeisz G.m.b.h.,	:
Rostock	:
Defendants	:

MOTION FOR A NEW TRIAL

Plaintiffs respectfully move this Court for an Order setting aside the jury's verdict and the judgment entered thereon and awarding plaintiffs a new trial and in support thereof aver the following:

1. The verdict was against the law.
2. The verdict was against the evidence.
3. The verdict was against the law and the evidence.
4. The Trial Court erred in refusing to permit plaintiffs' expert to give opinion testimony based on the facts of the accident.
5. The Trial Court erred in striking the opinions of plaintiffs' expert rendered on cross-examination when there were no objections thereto and no motions to strike were made.
6. The Trial Court erred in permitting defendant's expert to give opinion testimony which was not in his report issued prior to trial.

7. The Trial Court erred in charging the jury on superseding cause.

8. The Trial Court failed to charge the jury on res ipsa loquitur.

9. The Trial Court failed to instruct the jury that an open and obvious condition requires the stevedore only to take practical measures to avoid or eliminate the hazard.

10. Such other and further reasons as appear upon review of the transcript when it is prepared and available.

WHEREFORE, Plaintiffs request the Court to grant the relief being sought.

E. ALFRED SMITH & ASSOCIATES

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has, on this date, caused a true and correct copy of Plaintiffs' Motion For a New Trial to be served by first class mail, postage prepaid, on the date listed below upon the following party or counsel of record:

Honorable Michael M. Baylson
U.S. District Court Judge
U.S. Courthouse - Room 4001
601 Market Street
Philadelphia, PA 19106-1741

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Rawle & Henderson LLP
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Schiffahrtsgesellschaft MS Priwall mbH & Co. KG
Reederei F. Laeisz G.m.b.h., Rostock

E. Alfred Smith
Attorney for Plaintiffs
Cornelius Hill and Trudie Hastings
Hill

Date: